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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,547	08/30/2001	Robert Boxall	CYB-011156	1913

7590 06/02/2004

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EXAMINER

INGBERG, TODD D

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/945,547	Applicant(s) BOXALL ET AL.	
	Examiner Todd Ingberg	Art Unit 2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1 – 12 have been examined.

Drawings

1. New corrected drawings are required in this application because they are hand written.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 5 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what patentable weight the indefinite limitations of the number of times something is repeated should be given. The clear and concise reason is unknown by the claim limitations.

Claim 4

The method of claim 1 wherein the step of analyzing and responding is repeated at least three times.

Claim 12

The method of claim 11 wherein the step of repeating occurs at least five times.

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And the definition of without substantially requiring user intervention is indefinite.
Claim 5

An installation script for use in association with a computer and an associated hardware element or software element, the script comprising: means for analyzing the request to determine a response thereto; means for responding to the request without substantially requiring user intervention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 –12 are rejected under 35 U.S.C. 102(b) as being anticipated by HP OpenView also bundled with CA UniCenter TNG™. This multi reference 102 combines the add on wireless component of **UniCenter** with the foundation reference called HP OpenView which discloses the two companies joined their efforts and are contained with in the foundation reference from 1995. The references are listed below:

Mobile - CA & Partner Real Worl World M/ment Solutions for Mobile eBus, April 12, 2000

UniCenter - Focus on HP OpenView, Nathan J. Muller

Claim 1

UniCenter anticipates a method of installing hardware and corresponding software (UniCenter , page 107 – Power Agents gather information on hardware, software and firmware for inventory) comprising the steps of initiating the installation process for a hardware element having corresponding software (UniCenter, page 179-182 the target system information has been gathered by the Power Agent and is used in the distribution process, page 181 first full paragraph) ; monitoring the operating system for commands (UniCenter, page 183, Admin Center) which require user intervention; analyzing the commands received from the operating system; and responding to the commands received from the operating system without requiring user intervention(UniCenter, page last sentence of Software Management section and page 180 first paragraph).

Claim 2

The method of claim 1 wherein the hardware comprises a wireless LAN card.

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(**UniCenter**, page 259 and Mobile the addition of wireless devices, page 1).

Claim 3

The method of claim 1 wherein the steps of analyzing and responding is repeated each time the operating system requires user intervention (**UniCenter**, page 182 User can interact also page 180 Overview of Administrator Interaction)

Claim 4

The method of claim 1 wherein the step of analyzing and responding is repeated at least three times. (**UniCenter**, presumed to be a handshake of some sorts – inherent in most protocols).

Claim 5

An installation script for use in association with a computer and an associated hardware element or software element, the script comprising: means for analyzing the request to determine a response thereto; means for responding to the request without substantially requiring user intervention. As per claim 1.

Claim 6

The installation script of claim 5 wherein the analyzing means and the responding means are capable of responding to a plurality of different requests. As per claim 3 e.g. multiple interactions by user.

Claim 7

The installation script of claim 5 wherein the hardware comprises a wireless LAN card.
As per claim 2.

Claim 8

The installation script of claim 5 wherein the operating system (**UniCenter**, page 188) comprises one of the group consisting of; Windows 95, 98, Me, NT, 2000, XP, Mac, Linux and Palm OS (**Mobile**, first page).

Claim 9

The installation script of claim 5 wherein the installation script comprises software stored on a removable media. (**UniCenter**, page 180, Distribution overview).

Claim 10

The installation script of claim 9 wherein the removable media comprises a CD. (**UniCenter**, page 180, Distribution overview – CD-ROM).

Claim 11

A method of installing hardware comprising: connecting the hardware to a computing device;
- providing a storage media having an installation script; initiating the installation script
- monitoring the operating system for commands which require user intervention;

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- analyzing the commands received from the operating system;
- responding to the commands received from the operating system without requiring user intervention; and
- repeating the steps of analyzing and responding until the hardware is installed.

Claim 12

The method of claim 11 wherein the step of repeating occurs at least five times.
(**UniCenter**, presumed to be a handshake of some sorts – inherent in most protocols).

Correspondence Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Todd Ingberg** whose telephone number is (703) 305-9775. The examiner can normally be reached during the following hours:

Monday	Tuesday	Wednesday	Thursday	Friday
6:15 – 1:30	6:15- 3:45	6:15 – 4:45	6:15-3:45	6:15-130

This schedule began December 1, 2003 and is subject to change.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kakali Chaki** can be reached on (703) 305-9662. Please, note that as of August 4, 2003 the **FAX number** changed for the organization where this application or proceeding is assigned is **(703) 872-9306**.

Also, be advised the United States Patent Office **new address** is

Post Office Box 1450

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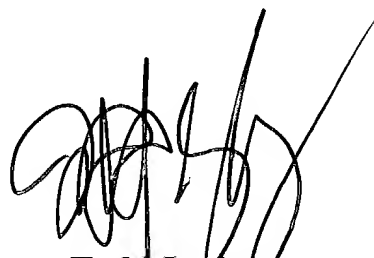
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

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A handwritten signature in black ink, appearing to read 'Todd Ingberg', with a long, sweeping horizontal line extending to the right.

Todd Ingberg
Primary Examiner
Art Unit 2124
May 30, 2004

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